

**ANNUAL REPORT AND DETERMINATION OF ADDITIONAL  
ENTITLEMENTS FOR MEMBERS OF THE PARLIAMENT OF  
NEW SOUTH WALES**

**by the**

**PARLIAMENTARY REMUNERATION TRIBUNAL**

**pursuant to the**

**Parliamentary Remuneration Act 1989**

**30 August 2007**

**PARLIAMENTARY REMUNERATION ACT 1989**  
**REPORT PURSUANT TO SECTION 13(1) OF THE ACT**

**INTRODUCTION**

Section 11 of the Parliamentary Remuneration Act 1989 ("the Act") prescribes that the Parliamentary Remuneration Tribunal ("the Tribunal") shall make an annual Determination as to the additional entitlements for Members and Recognised Office Holders (as defined under the Act) on or before 1 June in each year or on such later date as the President of the Industrial Relations Commission of New South Wales determines. On this occasion the President directed that the Determination shall be made on or before 31 August 2007.

Section 13(1) of the Act requires that the Tribunal makes a report to the President of the Industrial Relations Commission of New South Wales for each Determination made by the Tribunal. The President is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 13(2)).

Because of the election conducted on 24 March 2007, the Tribunal, in an effort to complete its annual review by the statutory reporting date of 31 May 2007 wrote only to the Presiding Officers seeking any submission they may wish to make for the current review. The new Speaker, the Hon Richard Torbay MP, wrote to the Tribunal requesting that it consider an extension of time to the review so that the views of the new Parliament could be considered. The Tribunal agreed to this request and letters inviting submissions were sent to all Members. It is for this reason that the review was extended by the President of the Industrial Relations Commission to 31 August 2007. More will be said about the reporting dates below.

Part One of this Report will outline general matters raised as part of the annual review and any adjustments to additional entitlements. As is the usual practice, the Tribunal has made changes that are considered minor or of an administrative nature to the Determination without the need for detailed separate reasons being provided. The submissions did, however, raise a number of substantive issues which, in the Tribunal's view, merit further consideration and/or comment. Part Two will provide a summary of the Determination.

## **PART ONE**

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### **1. GENERAL MATTERS RAISED**

#### **Electoral Allowance**

In addition to submissions seeking a general increase to the Electoral Allowance, the Speaker has written to the Tribunal seeking clarification on the purpose and use of the Allowance noting that:

*"...sections 10(2A) and 10(2B) of the Parliamentary Remuneration Act are somewhat ambiguous as to the role of the Tribunal in respect of electoral allowance and the extent to which general guidelines and conditions apply to the Electoral Allowance."*

In addition, one submission has sought the return of unexpended Electoral Allowance by Members to the Consolidated Fund and that Members be required to publish all expenditure from this Allowance.

The Tribunal has previously outlined the history and purpose of the Electoral Allowance, including the methodology used for calculating this entitlement (see PRT Initial Determination, 20 December 1999, pp.43-49). This Determination arose from significant changes to the Act (the 1998 Amendments) principal among which was the inclusion at section 10(1) of the principles the Tribunal was to have regard to when determining Members' additional entitlements, viz;

*"10(1)(a) additional entitlements are to be provided for the purpose of facilitating the efficient performance of parliamentary duties of members or recognised office holders."*

The 1999 Determination required, because of the wording of the Legislation, that Members repay the unspent portion of their allowances, including the Electoral Allowance, to the Consolidated Fund.

In its 2000 Report and Determination (which, in effect, was a review of the 1999 Determination) the Tribunal considered more fully the role of the Tribunal in interpreting the Legislation and making rules and conditions consistent with its interpretation of the Act. In

so far as the Electoral Allowance was concerned and repayment of the unspent portion of that Allowance, the Tribunal concluded that:

*"...The Crown Solicitor has made clear that the obligations which arise with respect to Members use of electoral allowances derives directly from the Act, without any requirement or particular need for the Tribunal to regulate the question by determination. Having regard to that opinion, and given the somewhat vexed legal issue arising in these proceedings there is much to be said for the Tribunal not providing any interpretation of the statute as may be ordinarily contemplated in proceedings for declaratory relief. Rather the statute itself will speak to the obligations of Members. The Tribunal should regulate allowances for Members by prescribing the circumstances under which the allowances may be used. The draft determination reflects such an approach. It is an approach which will ensure that any obligations as to repayment of the unspent portion of allowances falling on Members will be confined to those specifically deriving from the statute. The Tribunal did not intend in its initial determination, and will now avoid by this approach, any superimposed (and additional) obligations arising out of any determination made by the Tribunal over those created by statute (which may have the potential of creating unintended adverse consequences).*

*In these circumstances the conditions for the payment of electoral allowances have been reviewed and the allowances simply adjusted from its present levels having regard to the cost of living and any other relevant considerations (which considerations were discussed in the initial determination)."*

As a result of this Report, the Parliament amended the Act in 2001 to provide greater certainty as to what was to happen with the unspent portion of the Electoral Allowance. The new section provides:

*(2B) The following provisions apply to the electoral allowance:*

- (a) the allowance is payable to members (whether or not recognised office holders),*
- (b) the allowance is payable in money,*
- (c) the allowance is payable as compensation in respect of all incidents of the performance of parliamentary duties (other than those compensated or reimbursed by other additional entitlements),*
- (d) different amounts may be fixed for different members or classes of members.*

This amendment had the effect of removing the narrow requirement that the allowance was used only for certifiable expenditure. The Allowance now compensates Members for all incidents of the performance of parliamentary duties.

The Minister's Second Reading Speech explains the purpose of the amendment:

*"...By removing the requirement to repay the unspent portions of electoral allowances, the tribunal has restored the traditional arrangements in respect of this allowance. This Government will address the issues raised by the Crown Solicitor by legislating to retain the historical practice in respect of the electoral allowance—a practice common throughout all jurisdictions in Australia. This bill will make clear the intention of Parliament. It will overcome the present uncertainty as to what is required to happen to the unspent portions of electoral allowances. The bill provides that the tribunal will determine the quantum of the allowance. The bill makes a separate provision for electoral allowances and states explicitly that electoral allowances will be paid as compensation in respect of all incidents of the performance of parliamentary duties. In other words, it is intended to compensate all aspects of a member's responsibilities in his or her electorate and not merely matters within the narrow definition of expense reimbursement.*

*This amendment does nothing more than provide greater certainty that members may continue to receive their electoral allowances as they have since their introduction in 1956. The bill articulates in a clearer way the fact that members are entitled to retain their electoral allowances. Members will continue to acquit the unspent portions of the allowance with the taxation commissioner, as has historically been the case. It treats electoral allowances no differently from what occurs in Federal and other State and Territory jurisdictions. Electoral allowances will not count for superannuation purposes. The bill also provides a transitional provision to ensure the clarifying amendments apply to the electoral allowances payable under the current determination."*

It is clear from the Minister's Second Reading Speech that the Tribunal's role in respect of the Electoral Allowance is to determine the quantum and nothing more. This is reinforced by sections 10(2C), (3) and (4) of the Act, introduced at the same time, which provide:

*"(2C) Subsections (3) and (4) apply to determinations with respect to additional entitlements, other than the electoral allowance.*

*(3) A determination may provide for additional entitlements in any form, including but not limited to:*

*(a) the payment of additional allowances in terms of allowances, fees and other emoluments payable in money (including for example travel allowances, travel expenses, and committee allowances), and*

*(b) the provision of services, facilities and equipment (including for example electorate services, electorate staff, electorate offices, office equipment, travel, and communication equipment).*

*(4) A determination may:*

- (a) fix conditions on which an additional entitlement is to be provided, and may specify the form of substantiation (if any) that is required for particular kinds of additional entitlements, and*
- (b) involve the reimbursement of the whole or a part of actual expenses, and*
- (c) identify an existing entitlement as an additional entitlement, and*
- (d) withdraw or alter an additional entitlement."*

As noted above, section 10(2B)(c) of the Act provides that the Electoral Allowance is provided as compensation for all incidents of the performance of parliamentary duties. Section 4 of the Act defines "parliamentary duties". Section 10(2C) of the Act excludes the Electoral Allowance from the Tribunal's general condition-setting powers in respect of additional entitlements. This suggests that the Tribunal's role, insofar as Electoral Allowance is concerned, is limited to determining the quantum only and not to provide any further clarity or interpretation on the use of the Electoral Allowance or its purpose and conditions beyond that provided in the Legislation. Consequently, the Tribunal has removed the Electoral Allowance from the application of the Guidelines and General Conditions applicable to all additional entitlements.

If any greater certainty or clarity is required in respect of the Electoral Allowance, it should be sought and, if necessary, legislated.

### **Sydney Allowance**

In its 2006 review, the Tribunal foreshadowed that it intended to remove the annual entitlement to the Sydney Allowance as part of the 2008 Annual Determination unless there were compelling reasons for not doing so.

One submission has been received that opposes the removal of the annual entitlement on the basis that it would increase the cost of administration and would be inconsistent with the Tribunal's policy of encouraging Members to make more permanent accommodation arrangements. The Tribunal is yet to be convinced by these arguments. Whilst the Tribunal continues to support the proposition that a Member elected to Parliament should make more permanent accommodation arrangements in Sydney, it does not necessarily see the annual entitlement as essential for achieving this. In this regard, the Tribunal notes that currently less

just over 40% of the Members in receipt of the Sydney Allowance elect to take the annual entitlement where in 2001/02 nearly 60% of Members elected to take the annual entitlement. On the basis of these figures it seems the opting of the annual allowance is becoming less popular. In so far as the additional administrative burden is concerned associated with the administration of the annual entitlement, the Tribunal has been advised that the process each year of obtaining returns from Members on the number of overnight stays in the previous 12 months and then reconciling them with records, is particularly burdensome for the Parliament's administrative support staff. The Tribunal is also aware of adverse comments by the Auditor General on the delays in receiving reimbursement for unspent portions of the annual Sydney Allowance from Members by the Legislature. These matters need to be taken into account in considering the contention that the removal of the annual entitlement would add to costs.

The Tribunal will take no further action at this time and will seek the views of Members at the time of the next annual review before making a final determination on this matter.

The Tribunal has also received submissions from some Members seeking the restoration of the Sydney Allowance to those electorates (Campbelltown and Camden) in outer metropolitan Sydney. The submissions contend that travel time and the late finishes of Parliament and the early starts required the following day, make it necessary for Members residing in these electorates to stay overnight in the city.

The Tribunal is not satisfied that Members residing in these electorates should receive an entitlement to the Sydney Allowance. Camden and Campbelltown, like Penrith, are now part of the Sydney Metropolitan Area and many thousands of people commute from these areas to and from the city without additional recompense. Furthermore, the Tribunal notes in the year 2007/08 the Legislative Assembly sat for a total of 45 days. For 19 of these days the Assembly sat beyond 10.00pm. Parliamentary Records show that only on 10 occasions did the Legislative Assembly rise after 11.00pm and on 5 of these occasions this occurred on a Friday. The Tribunal has also received more detailed information about sitting times from the Legislative Council. This shows that for the 53<sup>rd</sup> Parliament (2003-2007) the Legislative Council sat for a total of 183 days. On 74 occasions the Council sat beyond 10.00pm and on 28 occasions beyond 11.00pm over the 4-year cycle of the 53<sup>rd</sup> Parliament.

Even though sitting days do extend late into the evening it should be noted that sittings do not commence in the Legislative Assembly at 10.00am on most days and in the Legislative Council 11.00am on most sitting days. Whilst the Tribunal understands that Members may need to be in Parliament earlier to attend meetings and prepare for the day's sitting, the Tribunal is of the view that there would be sufficient time for Members to go home and return the next morning. In this regard, the Tribunal notes that a train trip from Central to Campbelltown on average takes less time than a trip from Central to Penrith – another outer metropolitan electorate that does not attract the Sydney Allowance.

Having regard to the foregoing considerations, the Tribunal will not be reinstating the electorates of Campbelltown and Camden to Category 1 for the Sydney Allowance.

Concern has also been expressed about the need for Members, when in Sydney on parliamentary business, to sign the Parliamentary Register as proof of attendance. It has been suggested that the use of aeroplane boarding passes should be sufficient for such purposes.

The Tribunal considers that Condition 8 in respect of Sydney Allowance currently provides sufficient flexibility for Members to provide proof of attendance in Sydney on parliamentary business. When this business necessitates a need for Members to be in Parliament House, then the Tribunal considers it reasonable that Members sign the Attendance Register.

One submission has sought a review of the definition of a Member's principal place of residence. This matter was reviewed in 2005. The Tribunal does not consider there are any grounds to revisit this matter. The conditions applicable to the Sydney Allowance provide sufficient clarity to ensure a Member's principal place of residence can be identified.

#### **Electorate Mailout Account**

The Speaker has submitted that the unspent portions of the Electorate Mailout Account not be returned to the Consolidated Fund but that it be carried forward each year and that only at the end of the 4-year parliamentary term would any unspent amount be returned to the Consolidated Fund.

The Electorate Mailout Account (EMA) is provided to each Member of the Legislative Assembly to allow the Member to communicate with his or her constituents. The rate determined is based on two mailouts per year to each constituent in the Member's electorate. The EMA was intended as a means of regular communication with constituents on electoral matters. Unspent monies from this Account are returned each year to the Consolidated Fund.

The Presiding Officer's submission seeks to allow Members to retain the unspent amount throughout the parliamentary term. Whilst it may not be the intention, as the Tribunal understands the submission it would, for instance, permit a Member who is provided with an annual allocation of \$50,000 in the EMA, to refrain from sending out timely communications to constituents and to accumulate, over the life of the Parliament, a fund of potentially \$200,000 to expend on mailout activities prior to the election. The Tribunal considers that this proposal is inconsistent with the rationale underpinning the EMA, which is to facilitate regular or timely communications to constituents regarding matters of interest or concern to the electorate.

Moreover, in considering this matter the Tribunal sought advice from the Secretary of the New South Wales Treasury, Mr John Pierce. Mr Pierce advised that the proposal to carry forward any unspent portion of the EMA throughout the Parliamentary term is contrary to section 23(1) of the *Public Finance and Audit Act* 1983. Mr Pierce further advised that the Treasury had sought the advice of the Crown Solicitor prior to advising the Tribunal.

The Tribunal, therefore, declines to vary the Determination in the manner proposed by the Speaker.

#### **Electorate to Sydney Travel Warrants**

Submissions have again been received seeking to extend the value of the travel warrant to include the cost of getting to and from the airport. This matter was considered as part of the 2006 annual review. At that time the Tribunal concluded that:

*"...The Tribunal has considered this matter carefully but is of the view the existing arrangements are adequate. The Electorate to Sydney travel warrants are for exactly that purpose – travel to and from Sydney. Each warrant has a value based on the cost of the airline ticket from the airport nearest the Member's home to Sydney. Members have the additional flexibility of using whatever means they wish*

*to travel to Sydney provided the cost does not exceed the value of the warrant. Any extra travel required is to be met from the LSA or the Members' electoral allowance."*

The Tribunal makes the final observation that part of the reason why non-metropolitan members receive higher levels of Logistic Support Allocation and Electoral Allowance is to accommodate the additional travel costs.

#### **List of Approved Items in the Logistic Support Allocation (LSA)**

In 2006 the Tribunal made some observations regarding the list of approved items in the Logistic Support Allocation (LSA) and concluded that:

*"...As to the broader question of the list, unless it is convinced otherwise, the Tribunal intends to remove the list of items for which the LSA may be used as part of its next determination. This will allow Members and/or the Presiding Officers to make submissions on this matter for the Tribunal's consideration."*

The Speaker has written to the Tribunal advising of possible problems that the removal of such a list would create. The Speaker sees a possible solution being the amalgamation of the Electoral Allowance and the LSA as a means of overcoming this problem of what may and may not be purchased from the latter entitlement. An alternative approach suggested by the Speaker is that the list be maintained by the Presiding Officers having regard to taxation, funding and accounting implications.

The Tribunal does not consider the amalgamation of the LSA with the Electoral Allowance as a viable proposition. The Tribunal does, however, consider that the Presiding Officers are best placed to maintain a list of approved items where the full implications of the addition of items can be examined prior to inclusion. The maintenance of the list by the Presiding Officers will also provide greater flexibility in terms of timing of additions or deletions from the list. The Conditions applicable to the list have been amended to reflect this change.

#### **Additional Staff for Members**

In 2006, the Tribunal undertook an extensive review of staffing levels for Members. The review was broad reaching and covered staffing both in electorate offices and in Parliament House. In respect of the provision of additional electorate office staff the Tribunal stated:

*“ ... The Tribunal has examined the material put before it and considers that, overall, there has been an increase in the workload of electorate officers to warrant additional support. The Tribunal is not satisfied, however, that the workload is such in all electorate offices as to justify the salary, on cost and the additional cost of refitting electorate offices for a third full time electorate officer at this stage.*

*The Tribunal proposes, therefore, to determine that additional funding be provided to each Member who is currently allocated two electorate officers (Independent members are already provided with three electorate office staff) so that they may employ casual relief staff equivalent to the (average) number of days that Parliament is sitting. The average number of days the Legislative Assembly sat since 2000 is 61 days.*

*The entitlement will provide a budget specific for recruitment of temporary staff. The budget is to be equivalent to the salary of an electorate officer Grade 2 for a period of 61 days per annum. This will allow those members who bring staff into Parliament to employ a person at the electorate office. The funds are to be used for no other purpose.”*

The Tribunal provided further clarity in the application of this entitlement by way of a Ruling made on 4 September 2006. That Ruling provided for non-metropolitan members to engage, where suitable, Sydney-based temporary staff to work at Parliament House on sitting days only. In that circumstance the two electorate officers may remain in the Members' electorate offices.

In the current review, submissions have been received from Members seeking to break the nexus between parliamentary sitting days and the employment of additional staff. It is argued that Members should have the flexibility to employ additional staff at any time during the year to provide assistance at either Parliament House or the Electorate office not just when Parliament is sitting. A number of submissions have also requested that all Members be able to utilise the assistance of either temporary staff or permanent electorate staff for work at Parliament House during sitting days.

The Tribunal has had regard to these submissions and considers, on balance, that it is appropriate to provide Members with the flexibility to engage additional staff at times of the year that meets the particular needs of the Member. Further, that it is appropriate that Members decide, based on their own circumstances, whether this additional assistance is located at Parliament House or at their Electorate Office. Submissions received by the Tribunal, including the Speaker's submission, indicate that funding for staff assistance has

been provided for the 61 days. The conditions applicable to this entitlement have been adjusted accordingly.

The President of the Legislative Council has also written to the Tribunal seeking additional financial assistance for Members of the Legislative Council who elect to have their research officer work from their home office. It is understood that previous Presidents had provided approval for this arrangement. It is further understood that the current President has now approved a Member's research assistant working from the Member's home office. The President informs the Tribunal that such requests are likely to escalate because one of the major parties has decided to select candidates on the basis that they represent particular zones of the State.

Unlike Members of the Legislative Assembly who represent specific electorates and are each provided with an electorate office, Members of the Legislative Council, whose electorate is, in effect, the entire State, have only been provided with an office in Parliament House. The Tribunal has determined that Members' homes shall be provided with appropriate business equipment. The Tribunal has also determined that each Member of the Legislative Council shall be entitled to one staff member (cross bench Members are provided with two staff members). Such staff are employed by the President and historically have worked from the Member's Parliament House office.

There is, of course, nothing to prevent a Member of the Legislative Council having his/her member of staff working from a location other than Parliament House. The President, as the employer of such staff, may quite appropriately make decisions on whether the staff member should work from Sydney or another location and, if the latter, under what circumstances. It is, however, another matter to seek additional funding in the Member's LSA to accommodate an arrangement which is essentially an arrangement of convenience agreed between the President, the staff member and the Member.

Whilst the Tribunal understands that accommodation at Parliament House may be tight, it is concerned about the cost implications of a proposal that could facilitate the wholesale relocation of support staff for Members of the Legislative Council out of Parliament House. More importantly, however, part of the rationale for the proposal appears to be to accommodate a decision by one of the major parties to select candidates on the basis that they

represent particular zones of the State. The Tribunal does not regard its role as tailoring entitlements to accommodate what may be regarded as a party political initiative.

### **Motor Vehicles**

The Tribunal has received a submission requesting that motor vehicles be provided to Members.

This matter has a long history. In 1990, the Premier issued a special reference to the Tribunal to make a determination on the provision of Government-owned motor vehicles to Members for use in servicing their electorates and on other parliamentary business.

The Tribunal undertook its investigation and determined that Members should be provided with motor vehicles and all costs of the vehicle should be met from the Member's Electoral Allowance.

In March 1992, the Director-General of the Cabinet Office instructed Parliamentary Counsel to draft a Bill to overcome what were perceived to be constitutional impediments to the proposed scheme where, under a salary sacrifice arrangement, Members could opt to be provided with a motor vehicle in return for reduced allowances. The Bill was intended to overcome any conflict with the prohibition imposed by s 13 of the *Constitution Act 1902* regarding the involvement of Members in transactions which constituted a "contract or agreement for or an account of the Public Service of New South Wales." The *Parliamentary Remuneration Act 1989* was also to be amended to enable the Tribunal to make determinations which provided Members with an option to receive reduced allowances in return for non-cash benefits. The Bill making these changes was not passed and subsequently lapsed.

Since that time Members have periodically sought a review of this matter and the Tribunal has always supported the provision of motor vehicles to Members but noted that legislative amendment would be required for this to occur. The Tribunal also notes that in most jurisdictions, including the Commonwealth jurisdiction, Members are provided with private plated motor vehicles for servicing electorates.

The Tribunal continues to support the provision of motor vehicles to Members on the basis that it would simplify considerably the present complex rules and procedures relating to travel by Members; it would be consistent with arrangements for Members in other Australian jurisdictions; and would be cost neutral as there would be a reduction in Members' allowances to cover the costs associated with providing the vehicle.

The Tribunal would respectfully suggest that the Government review the legal aspects of this matter with a view to removing any impediment to Members being able to access vehicles from State contract on similar terms and conditions available to the public sector generally. Once the legislative aspects have been finalised the Tribunal would be prepared to undertake a special reference on this matter.

#### **Committee Allowances**

A submission has been received seeking that the Chairperson of the Public Accounts Committee be paid the same allowance as that paid to the members of that Committee. The submission also seeks the extension of the Committee Allowance currently paid only to members of the Public Accounts Committee to all Committees.

The Tribunal is not prepared to accede to this proposal. In undertaking this role, the Chair of the Public Accounts Committee, like the Chairs of Joint Standing and Select committees, receives additional remuneration equivalent to a total of 14 per cent of salary. That is, based on the current salaries of Members, the Chairs of these Committees receive an additional \$17,720 per annum. The Tribunal has not been provided with a sufficiently cogent reason as to why this should be increased.

The members of the Public Accounts Committee have historically received an allowance in view of its statutory nature and its role in Government activities. Again, no argument has been presented to the Tribunal for the need to change the existing arrangements.

### **Party Status**

A submission has been received seeking to use the numbers of party Members in both Houses when considering additional entitlements for office holders of Opposition and cross bench Parties.

The Act provides that Leaders and Deputy Leaders of political parties of not fewer than 10 Members in the Legislative Assembly and 9 Members in the Legislative Council are Recognised Office Holders for the purposes of additional remuneration. What is being sought is to combine the numbers of Members from the same party in both Houses to meet the minimum number requirement.

To adopt this approach would be contrary to the Act. Whilst Members in both Houses may represent the same party, the Act makes a clear distinction between memberships of parties in each House. Accordingly, the Tribunal is not prepared to make the determination sought.

### **Party Contributions**

A submission has also been received seeking to have mandatory political party contributions that are used only for hospitality services for guests of the party, to be deducted from the Logistic Support Allocation. The mandatory nature and the quantum of such contributions are matters for individual political parties.

These contributions are matters for political parties and the Tribunal has consistently stated that it will not make determinations that support or facilitate party political activities.

### **Travel Bookings**

The Tribunal has received a number of submissions regarding the requirement that Members make air transport bookings through the booking agent nominated in the New South Wales government travel contract. Those submissions have expressed a preference for greater flexibility in organising travel bookings by allowing Members to book flights over the internet with service providers.

The Tribunal's Determination currently specifies that Members use the New South Wales government travel contract where possible. The Tribunal has been advised that, since this condition was introduced in 2000, all major Australian airlines have developed on-line Internet booking facilities. It is argued that this innovation provides Members with greater flexibility in making travel arrangements by being able to make instant bookings directly with the service provider.

The Tribunal understands that Parliament is part of the wider public sector and that public sector agencies must comply with New South Wales Government period contracts as administered by the State Contracts Control Board. Submissions received by the Tribunal have not demonstrated any exemption to this arrangement therefore the Tribunal cannot support the amendment as requested.

#### **Second Electorate Office – Member for Barwon**

In the 2006 Report, the Tribunal commented on the significant increase in the size of the electorate of Barwon. The Electorate of Barwon, which previously covered an area of 116,930 sq kms, now covers a total area of 221,570 sq kms and incorporates the main population centres of Moree, Cobar, Narrabri and Gilgandra. The size of the electorate is comparable to that of Murray-Darling, which covers a total area of 250,338 sq kms. As a result of those changes the Tribunal determined that the Electorates of Barwon and Murray-Darling should receive identical levels of Electoral Allowance and other additional entitlements.

The Tribunal has now received a submission requesting that the Member for Barwon be provided with a second electorate office and associated equipment and services. The Member for Murray-Darling is provided with an additional electorate office as determined by the Tribunal in January 2000. As the electorate of Barwon is comparable in size it is reasonable that the Member for Barwon is also provided with an additional electorate office. The location of the second office is a matter to be resolved between the Member and the Speaker.

### **Tribunal Annual Report Date**

Section 11(1) of the Act provides that the Tribunal is required to make its annual determination by 1 June each year, or such later date as the President of the Industrial Relations Commission directs.

Section 11(2) of the Act provides that because of illness of the Tribunal or for any other reason that seems proper, the President by order published in the Gazette may direct that the particular annual determination is to be made on a later specified date.

Irrespective of the date the Determination is made it takes effect on and from 1 July each year.

The Tribunal considers this restriction is now unworkable and would seek the Legislature's cooperation in removing the requirement to make the Determination by 1 June each year.

Since the 1998 amendments to the legislation the Tribunal has not once been able to meet the 1 June deadline and has annually sought, and received, an extension from the President of the Industrial Relations Commission. Two factors have combined to cause these delays. Firstly, the 1998 amendments to the Act were extensive and placed upon the Tribunal significantly greater responsibilities in making its determinations and the conditions applicable to them. The Tribunal fully supports this new approach as it provides greater transparency in Members' entitlements and also provides Members with greater certainty in the use of the entitlements.

Secondly, the 1998 amendments to the Act included a new section 12A concerning the financial implications of the Tribunal's Determinations. Section 12A requires the Tribunal, prior to making its Determination to obtain from the Secretary of the Treasury a submission as to the financial implications of the Tribunal's Determination. The Tribunal cannot properly impose a deadline on the Secretary, but pursuant to Section 12A of the Act the Tribunal cannot make its Determination until the Secretary has provided his submission. In other words, the Tribunal is dependent on the Secretary for the making of the Determination. This is not considered to be a satisfactory position.

This unsatisfactory situation is exacerbated in election years. The State election is held every four years on the fourth Saturday in March. The results of the election may take some time to be finalised and, under these circumstances, the Tribunal finds it impossible to complete its review by 1 June in election years. As noted above, the Annual Determination completion date has been extended to 31 August this year to ensure sufficient time is provided to all Members, following the 2007 State election, the opportunity to provide submissions to the Tribunal.

All of these problems would be overcome by a simple amendment to the section 11(1) of the Act by removing '1 June' and inserting instead the word 'annually'. This would allow the Tribunal to make its Determinations unfettered by circumstances beyond its control and in election years by unrealistic completion dates. It should be noted that irrespective of the completion date of the Determination its effective date would remain 1 July each year. In this regard, the Tribunal notes that the Federal Tribunal is only required to make an annual determination of Members entitlements that take effect from 1 July each year and, further, that in 2001 Parliament amended the *Statutory and Other Offices Remuneration Act 1975* by removing the requirement that that Tribunal's annual determinations be made by 31 August each year.

## **2. REVIEW OF ADDITIONAL ENTITLEMENTS**

### **General**

Some submissions were received calling for substantial increases in a number of the allowances. Detailed reference was made to the cost of living and accommodation in Sydney in particular, and the increasing cost of fuel and the impact that was having on country Members given the long distances they travelled.

The Tribunal notes, however, dissatisfaction with the current level of allowances was not widespread and most submissions called for the application of movements in the Consumer Price Index (CPI) to be applied to the allowances. That is the course adopted by the Tribunal.

### **Electoral Allowance**

The Tribunal has received a number of submissions seeking adjustments to the Electoral Allowance in line with movements in the CPI. This method is consistent with the Tribunal's approach to adjusting this allowance in recent years. For this review the Tribunal has adopted its standard approach and increased the electoral allowance by 2.1 per cent, which is the increase through the year to the June quarter 2007.

### **Sydney Allowance**

The Tribunal has reviewed the Sydney Allowance in accordance with its standard methodology and provided an increase in line with movements in the CPI of 2.1 per cent in the daily rate.

### **Logistic Support Allocation (LSA)**

The Tribunal has reviewed the Logistic Support Allocation in accordance with its standard methodology and provided an increase of 2.1 per cent in the daily rate.

The Presiding Officers will maintain a list of approved items or services which can be purchased from the Logistic Support Allocation.

### **Committee Allowance**

The purpose of this Allowance is to remunerate Members serving as Chairpersons on Committees for the extra time and effort required to carry out this role. In previous Determinations this allowance has been increased in line with Members' salary increases.

Members' salaries were increased from 1 July 2007 by 6.8 per cent. In accordance with normal practice, therefore, the Committee Allowance will be increased by 6.8 per cent.

### **Electorate Mail-out Account (EMA)**

The EMA has been adjusted to reflect enrolment statistics as of 27 April 2007 and are outlined in Appendix 4 of the Determination.

### **Reimbursement of Expenses for Charter Transport for Members of the Legislative Assembly**

Electorate charter transport allowances for Members of the Legislative Assembly were last adjusted in 2004 when the Tribunal provided for an increase of 8 per cent. No further increase was provided following the 2005 and 2006 reviews.

Having reviewed this entitlement the Tribunal finds that no further adjustment is necessary at this time. Data provided by the Parliament on the actual use of this entitlement shows that Members spent considerably less than their existing allocation. The actual amounts and conditions applying in respect of charter transport allowances are specified in the annual Determination.

### **Travelling Allowances for Recognised Office Holders**

The Tribunal has undertaken a review of the travelling allowances paid to Recognised Office Holders. The Tribunal's Determination is based on those rates provided to New South Wales Public Servants and those deemed "reasonable" by the Australian Taxation Office (ATO). In both the New South Wales Public Sector and ATO guidelines, travel allowances are differentiated on the basis of destination and salary level of officer. The Tribunal has adjusted the membership of each Group to better reflect salary levels.

**PART TWO**

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**SUMMARY OF 2007 DETERMINATION**

<b>Electoral Allowance</b>	<b>2.1 per cent increase</b>
<b>Sydney Allowance</b>	<b>2.1 per cent increase</b>
<b>Logistic Support Allocation</b>	<b>2.1 per cent increase</b>
<b>Electorate Mailout Account</b>	<b>No increase</b>
<b>Committee Allowance</b>	<b>6.8 per cent increase</b>
<b>Electorate Charter Allowance</b>	<b>No increase</b>
<b>Travel Allowances</b>	<b>Increase generally to public sector rates</b>

Dated this day of 30 August 2007

The Honourable Justice R P Boland

**THE PARLIAMENTARY REMUNERATION TRIBUNAL**



# **THE DETERMINATION OF THE PARLIAMENTARY REMUNERATION TRIBUNAL**

## **THE DETERMINATION**

Pursuant to section 10(2) and 11(1) of the Parliamentary Remuneration Act 1989 ("the Act"), the Tribunal makes the Determination appearing hereunder.

With effect on and from 1 July 2007, and pursuant to section 10(6) of the Act, all previous Determinations of the Tribunal are revoked. This Determination shall constitute the annual Determination and shall operate on and from 1 July 2007.

## **DEFINITIONS**

"Member" or "Members" refers to a duly elected Member or Members of the Parliament of New South Wales (referred to hereinafter in this Determination as "the Parliament").

In this Determination the expression "additional entitlements" is to be understood in the sense used in Part 3 of the Act.

"Parliamentary duties" has the meaning attributed to it by section 3 of the Act,

"Electoral groups" are the groups of electorates specified in Schedule 1.

For the purpose of the Additional Entitlements Account for Members of the Legislative Council, "Zones" shall be those areas described in Schedule 2A.

"Approved relative" is a person who meets one of the following criteria:

- Wife or husband of the Member. If a Member has a spouse no other person may be nominated to use this entitlement.
- De facto spouse or partner who is living with a Member in a bona fide domestic relationship. If a Member has a de facto spouse or partner, no other person may be nominated to use this entitlement.

- Single or widowed Members may nominate a member of their immediate family (parents, siblings, children who are not minors i.e. below 16 years of age) as an approved relative.

Under special circumstances a Member may apply through the Presiding Officers to the Tribunal for an exception to the criteria. This will need to be based on the ability of the Member to meet their parliamentary duties and individual circumstances that apply at the time.

## **GUIDELINES AND GENERAL CONDITIONS REGARDING ADDITIONAL ENTITLEMENTS FOR MEMBERS IN CONNECTION WITH PARLIAMENTARY DUTIES**

### **1. Guidelines**

Every class of "additional entitlements" described in this Determination is provided pursuant to section 10(1)(a) of the Act "for the purpose of facilitating the efficient performance of the Parliamentary duties of Members." The following guidelines shall apply to the receipt, use and operation of additional entitlements (excluding Electoral Allowance).

1. Circumstances upon which the additional entitlements may be used for Parliamentary Duties.
  - 1.1 Additional entitlements are provided to facilitate the efficient performance of the following particular Parliamentary duties of Members as follows:
    - 1.1.1 Activities undertaken in representing the interests of constituents, but excluding activities of a direct electioneering or political campaigning nature.
    - 1.1.2 Performing electorate work for a Member's electorate and participation in official and community activities to which the Member is invited because of the Member's status as a Parliamentary representative.

- 1.1.3 Attending and participating in sessions of Parliament.
- 1.1.4 Participation in the activities of Parliamentary committees.
- 1.1.5 Attending Vice-Regal, Parliamentary and State ceremonial functions.
- 1.1.6 Attending State, Commonwealth and Local Government functions.
- 1.1.7 Attending official functions to which a Member is invited because of the Member's status as a Parliamentary representative, eg., receptions and other community gatherings hosted by members of the diplomatic corps, educational and religious institutions, community and service organisations, business associations, sporting bodies or other special interest groups.
- 1.1.8 Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.
- 1.1.9 For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.
- 1.1.10 A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party membership and thereafter sits as an independent Member, howsoever described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.

1.1.11 Participation within Australia in the activities of the Commonwealth Parliamentary Association as well as activities outside Australia organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch (exclusive of air travel).

1.1.12 Participation in a Parliamentary Group such as the Asia Pacific Friendship Group; provided that, such group is approved in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly. Such written approval shall be forwarded to the Tribunal.

2. Where any additional entitlement fixed by this Determination is to be used for the purpose of facilitating Members' participation in the activities of recognised political parties, the Tribunal sets out the following guidelines as to the use of that additional entitlement:

2.1 Parties registered under the *Parliamentary Electorates and Elections Act 1912*, and included in the register of parties maintained by the Electoral Commissioner, are to be treated as recognised political parties.

2.2 Additional entitlements should not be used to fund:

2.2.1 activities such as those associated with party Membership drives;

2.2.2 mail distributions for non-electorate or non-Parliamentary activities;

2.2.3 costs associated with election campaigning for an individual Member;

2.2.4 fund raising for other party political Members (such as the purchase of raffle tickets, raffle prizes or tickets to attend functions, etc); and

2.2.5 costs previously borne by political parties which are not principally related to a Member's Parliamentary or electorate duties;

2.2.6 costs associated with pre-selection activities.

2.3 The electorate office provided for a Member of the Legislative Assembly is not to be used as an election campaign office.

3. The Tribunal sets out the following additional and general guidelines:

3.1 Some intermingling of a Member's Parliamentary duties and private activities is, in practical terms, not always easily avoided, but the onus is always on the Member to show that any expenditure or any claim for reimbursement relates to Parliamentary duties, or to the Parliamentary duties component of costs incurred for intermingled Parliamentary duties and private purposes.

3.2 In the case of Parliamentary work, any activities in which a Member's involvement may reasonably be regarded as deriving from the Member's responsibilities as a Parliamentary representative should be treated as Parliamentary duties.

3.3 In the case of a Member's activities within the broader community outside the Member's electorate, activities that may reasonably be regarded as deriving from the Member's status as a Parliamentary representative should be treated as Parliamentary duties.

## **2. Conditions**

The following general conditions will apply to all additional entitlements determined hereunder. These conditions are in addition to any special conditions attaching to the provision of allowances or other benefits (as specified later in this Determination):

1. All procurement by Members will be in accordance with the Parliament's purchasing policies.

2. Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.
3. Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (excepting for electorate to Sydney travel), communications, printing and stationery and office supplies.
4. The Logistic Support Allocation shall be established and maintained by the Clerks of the Parliament. Members should be advised by the Clerks each month as to the balance of their Logistic Support Allocation.
5. The funds in the Logistic Support Allocation shall only be used by the Member to carry out the purpose for which the allowance is established, but otherwise may, subject to these conditions, manage the funds as he/she thinks appropriate.
6. Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Logistic Support Allocation.
7. All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
8. All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.

9. Expenditure is only to be incurred in connection with the Parliamentary duties of Members (and in this respect the Member should refer to the guidelines in this Determination).
  10. The various allowances determined here, as well as the Logistic Support Allocation are for the sole use of the Member and are not to be transferred to other persons or organisations including Members. The Member may use his/her entitlements to meet official costs of the approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.
  11. Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.
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## **ADDITIONAL ENTITLEMENTS IN THE NATURE OF ALLOWANCES**

### **1. Electoral Allowance**

The allowance is based upon those factors which have historically been taken into account in assessing the quantum of the allowance (including the additional costs associated with the performance by Members of their Parliamentary duties in their electorates) and such other factors as may be determined from time to time as appropriate to be taken into account by the Tribunal under the Act.

#### Entitlement

The allowances shall be paid as follows:

- a. Each Member of the Legislative Assembly and the Legislative Council shall receive an electoral allowance. The quantum of that allowance shall be fixed in accordance with the electoral grouping for the electorate of the Member.
- b. The allowance payable per annum for each electorate group shall be as follows:

<b>Electorate Group</b>	<b>Electoral Allowance</b>
Group 1	\$37,405
Group 2	\$43,805
Group 3	\$51,625
Group 4	\$56,360
Group 5	\$59,950
Group 6	\$65,720
Group 7	\$76,865

- c. The electoral allowance for each Member of the Legislative Council shall be \$43,805 per annum.

## **2. Sydney Allowance**

### **Purpose and Operation of the Provisions**

The Sydney Allowance is provided to Members who reside in non-metropolitan electorates to compensate for the additional costs including commercial accommodation, meals and incidental costs associated with staying in Sydney to attend sessions of Parliament, meetings of Parliamentary committees or other Parliamentary business.

For the purpose of this Allowance the non-metropolitan electorates (Electorate Groups 2-8) have been divided into two categories based on distance from Sydney. Members whose principal place of residence is in either Category 1 or Category 2 electorates, as specified in Schedule 2, are eligible to receive the Sydney Allowance.

The Tribunal considers the Member's principal place of residence to be that residence where the Member would normally return and reside when not attending Sydney on parliamentary duties.

To establish the principal place of residence each Member will be required to complete the Parliament's checklist and certify that the residence nominated is the principal place of residence.

### **Entitlement**

The daily rate (including the number of overnight stays) for the Sydney Allowance for Categories 1 and 2 shall be in accordance with Table 1 below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in conditions 5.

TABLE 1

Office	Principal Place of Residence	Overnight Stays p.a.	Overnight in Sydney where accommodation costs are incurred	In transit to and from Sydney where no overnight stay is involved
Minister, Speaker, President, Leader and Deputy Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	180	\$210	Actual reasonable expenses for meals and incidentals up to a maximum of \$74.35 per day
Deputy Speaker, Chairman of Committees (Assembly and Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary, Deputy Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$210	As above
Chairs of Standing/Select Committees	Category 1 or 2	140	\$210	As above
Legislative Council Members	Category 2	135	\$210	As above
	Category 1	105	\$210	As above
Legislative Assembly Members	Category 2	135	\$210	As above
	Category 1	105	\$210	As above

The following conditions apply to the Sydney Allowance:

1. A Member can choose to receive the Sydney Allowance as either an annual fixed allowance or a daily rate. The election is to be made at the commencement of each financial year.
2. If a Member chooses to receive the annual fixed allowance the Financial Controller of the Legislature will calculate the annual entitlement by multiplying the number of overnight stays for the particular Member or Recognised Office Holder by the daily rate.
3. In order to receive the Allowance each Member must certify to the Clerk of the Legislative Assembly or the Parliaments, as the case may be, their principal place of residence.
4. Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1. The

Member is entitled to the number of overnight stays per annum specified in Table 1 without the need to substantiate to the Parliament expenses up to the daily rate.

5. Where a Member chooses to receive the daily rate of allowance and the Member exceeds the number of overnight stays Members will be reimbursed actual costs, up to the daily maximum upon the production of tax invoices/receipts for each such occasion.
6. Members in receipt of the Sydney Allowance when travelling to Sydney for parliamentary business or home from Sydney and where there is no overnight stay required will be entitled to reasonable actual expenses to the maximum provided in the "In transit...." Column of Table 1 above. This rate is only applied when the Member is travelling to Sydney and will be staying overnight in Sydney or travelling home from Sydney following an overnight stay.
7. When in receipt of the annual allowance Members are required to certify at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for Parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in Table 1.
8. Members will need to maintain records or other relevant evidence that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Members will need to sign in and out of the Parliamentary Register as proof of being in Sydney on parliamentary business when Parliament is not sitting. On those occasions where Members are in Sydney on parliamentary business but are not required to attend Parliament House eg, attending a function, then the Member must provide sufficient proof to the Clerks to substantiate each such occasion. It will be sufficient for Ministers to provide evidence from their diaries or other forms of documentary evidence acceptable to the Clerks to certify as evidence of their attendance in Sydney.

9. Members in receipt of the annual amount will be required to return to Parliament the unspent portion of the Allowance for re-credit of the Consolidated Fund.
10. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.

### 3. Committee Allowances

#### Purpose and Operation of the Provision

Committee Allowances are paid to Chairpersons of Joint, Select and Standing Committees in recognition of the additional responsibilities of the office. Because of the statutory nature of the Public Accounts Committee and its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

#### Entitlement

Members of the Legislative Council and the Legislative Assembly serving as Chairpersons of Joint Committees, Select Committees and Standing Committees shall be paid the sum of \$170.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the *Parliamentary Remuneration Act 1989*.

Members of the Public Accounts Committee, other than the Chairperson, shall each receive a committee allowance of \$3,910 per annum.

## **ADDITIONAL ENTITLEMENTS IN THE NATURE OF FIXED ALLOCATIONS**

### **1. Electorate to Sydney Travel**

#### **Purpose and Operation of the Provisions**

Members of the Legislative Assembly who reside in electorate groups 2 to 8 and Members of the Legislative Council who reside in zones 2 or 3 qualify for return air travel warrants between their electorates/zones and Sydney.

These entitlements are provided for the performance of Parliamentary duties.

All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.

Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum.

#### **Entitlement**

<b>Office holder</b>	<b>Electorate to Sydney travel entitlement</b>
<b>Minister of the Crown</b>	<b>32 single journey entitlements</b>
<b>Speaker of the Legislative Assembly</b>	<b>32 single journey entitlements</b>
<b>President of the Legislative Council</b>	<b>32 single journey entitlements</b>
<b>Leader of the Opposition Assembly and Council</b>	<b>32 single journey entitlements</b>
<b>Leader of Party (not less than 10 Members in the Legislative Assembly)</b>	<b>32 single journey entitlements</b>
<b>Chairman of Committees Legislative Assembly and Legislative Council</b>	<b>32 single journey entitlements.</b>
<b>Deputy Speaker</b>	<b>32 single journey entitlements</b>
<b>Deputy Leader of the Opposition Assembly and Council</b>	<b>16 single journey entitlements</b>
<b>Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)</b>	<b>16 single journey entitlements</b>

## Conditions

1. All electorate to Sydney travel and return is restricted to economy class.
2. Warrants may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
3. A minimum of one warrant is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.
4. Warrants are not transferable between Members, or approved relatives, or Members' staff.
5. Where the Determination refers to warrants, the expression is intended to include a reference to the existing system for electorate to Sydney travel used for the Legislative Council.
6. Members may use electorate to Sydney warrants to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.
7. Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient warrants based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. It is a condition of all air transport charters that the Member responsible for organising the charter obtains a passenger manifest from the charter operator and attaches it to the invoice when it is sent for payment.

8. **A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made through the booking agent nominated in the New South Wales Government travel contract for all types of transport covered by the contract . Should the official New South Wales Government travel booking agency not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service together with their spouse/approved relative and staff may be made directly with the transport provider.**
  
9. **Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. A copy of this documentation is to be supplied to the Parliament's administration. When travelling by commercial air flights, copies of airline boarding passes are to be supplied to the Parliament when issued for arrival and departure from Sydney.**

## **2. Logistic Support Allocation**

### **Purpose and Operation of the Provision**

The Clerks of the Parliament will establish a Logistic Support Allocation Account for each Member.

There must be sufficient funds in the Member's Logistic Support Allocation. The items in respect of which the LSA may be used must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with this Determination.

### **Entitlement**

Each Member and Recognised Office Holder of the Legislative Assembly who resides in one of the following electorate groups will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<b>Electorate Group</b>	<b>LSA</b>
<b>Group 1</b>	<b>\$29,380</b>
<b>Group 2</b>	<b>\$32,875</b>
<b>Group 3</b>	<b>\$35,170</b>
<b>Group 4</b>	<b>\$35,170</b>
<b>Group 5</b>	<b>\$35,170</b>
<b>Group 6</b>	<b>\$37,460</b>
<b>Group 7</b>	<b>\$37,460</b>

Each Member and Recognised Office Holder of the Legislative Council who resides in one of the following zones will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Zone</u>	<u>Entitlement</u>
Zone 1 Electorates	\$19,925
Zone 2 Electorates	\$20,520
Zone 3 Electorates	\$30,400

**Recognised Office Holders are entitled to further additional entitlements as specified in Schedule 3.**

### **General Conditions**

The following general conditions shall apply to the Logistic Support Allocation Account:

1. The Presiding Officers will establish and maintain a list outlining the purposes for which the LSA may be used. The list is to have regard to taxation, accounting and funding implications.
2. Subject to these conditions, each Member shall determine at his/her own discretion the use of the funds within this Account for the purpose and operations specified above.
3. It is the primary responsibility of Members to ensure that they manage their Logistic Support Allocation Account to ensure that they do not over-expend their budget. The Tribunal will not provide for supplementation of this Allocation. However, the Logistic Support Allocation is not intended to restrict the proper use of the Electoral Allowance.
4. Members may not use their Logistic Support Allocation to procure goods or services to be used for direct electioneering purposes or political campaigning.
5. Any unused funds remaining in the Member's account at the end of the financial year within the four year Parliamentary term shall be carried over to the following financial year. At the end of each four year Parliamentary term

or the earlier dissolution of the Legislative Assembly, any balance remaining in the Member's account is to be relinquished to the Consolidated Fund.

6. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.
  
7. Members must personally authorise expenditure from their Logistic Support Allocation. Whilst, subject to the particular conditions, Members may determine at their discretion the use of the funds available for any purpose and operation specified by the Presiding Officers, the following table outlines the basis upon which the Tribunal has established the quantum of the account for future assessment. The table shall be used for the future assessment of the Allocation and for particular purposes such as the calculation of additional entitlements for Recognised Office Holders.

<b>Electorate Group or Zone</b>	<b>Transport</b>	<b>Communication –electronic</b>	<b>Communication –non- electronic</b>	<b>Printing and Stationery and Office Supplies</b>	<b>Total Logistic Support Allowance</b>
<b>Legislative Assembly</b>					
Group 1	\$4,585	\$4,005	\$13,500	\$7,290	\$29,380
Group 2	\$6,880	\$5,205	\$13,500	\$7,290	\$32,875
Group 3	\$9,175	\$5,205	\$13,500	\$7,290	\$35,170
Group 4	\$9,175	\$5,205	\$13,500	\$7,290	\$35,170
Group 5	\$9,175	\$5,205	\$13,500	\$7,290	\$35,170
Group 6	\$11,465	\$5,205	\$13,500	\$7,290	\$37,460
Group 7	\$11,465	\$5,205	\$13,500	\$7,290	\$37,460
<b>Legislative Council</b>					
Zone 1 Electorates	\$4,585	\$4,610	\$3,440	\$7,290	\$19,925
Zone 2 Electorates	\$4,585	\$5,205	\$3,440	\$7,290	\$20,520
Zone 3 Electorates	\$11,465	\$8,205	\$3,440	\$7,290	\$30,400

## **Particular Conditions.**

### **Transport (Other than Electorate or Electorate to Sydney transport)**

1. A Member may use any form of transport within Australia subject to the requirement that the transport was used for Parliamentary or electorate duties and that the cost was reasonable.
2. A Member may travel to any place in Australia, subject to the requirement that all such travel must be for Parliamentary duties and that there must be, at the time of the making of the relevant reservation, sufficient funds in that Member's Account to pay for the expenses involved.
3. All transport costs associated with approved relative or Members' staff travel (excluding travel costs associated with staff training) are to be provided from the Logistic Support Allocation Account. Staff training costs are to be met by the Legislature.
4. Members and their approved relatives, when travelling in connection with the Member's Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Member's Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 2 in Table 2 hereunder. Staff employed by the Parliament who travel with their Member or separately for Parliamentary business purposes may be paid travel allowances in accordance with appropriate Public Service Award conditions.
5. A Member and his or her approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.
6. A Member, his or her approved relative and staff employed by the Parliament, may use taxis or hire cars for Parliamentary duties.
7. A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made through the booking agent

nominated in the New South Wales Government travel contract for all types of transport covered by the contract. Should the official New South Wales Government travel booking agency not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service together with their spouse/approved relative and staff may be made directly with the transport provider.

8. Members should ensure that records are maintained that clearly document the occasions that staff employed by the Parliament stayed in Sydney or other locations when travelling in connection with the Member's Parliamentary duties. Such documentation may include airline boarding passes for arrival and departure or other documentary evidence of having travelled and stayed in accommodation.
9. A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter costs should be shared equally between the Members travelling.
10. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.
11. Members together with their approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. A copy of this documentation is to be supplied to the Parliament's administration. When travelling by commercial air flights, copies of boarding passes are also to be supplied.

## Communication – electronic

1. The Tribunal accepts that there will be some private usage in connection with mobile telephones supplied by the Parliament and electronic communication equipment installed at public expense in a Member's principal place of residence. To ensure the Legislature does not pay Fringe Benefits Tax for the private usage of electronic equipment, the Financial Controller will undertake a survey over an appropriate period of time to ascertain public/private percentage use of Members' home telecommunication services. Once established, Members will be reimbursed the Parliamentary business cost of each home telecommunication call or usage account and an adjustment shall be made to previous accounts reimbursed from the effective date of this Determination on or from the date of election, whichever is the later.
2. Members may utilise any telecommunication services or network features with the exception of overseas calls, charged information/service calls, reverse charge calls, home-link calls and Telecard calls.
3. The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs including overseas calls for Parliamentary business.
  - Ministers
  - Presiding Officers
  - Leader of the Opposition (Assembly and Council)
  - Leader of a Party not less than 10 Members in the Legislative Assembly
  - Chairman of Committees (Assembly and Council)
  - Deputy Speaker
  - Deputy Leader of the Opposition (Assembly and Council)
  - Deputy Leader of a Party with not less than 10 Members in the Legislative Assembly
  - Parliamentary Secretaries (Assembly and Council)
  - Government and Opposition Whips (Assembly and Council)
  - Whip of a third party with not less than 10 Members (Legislative Assembly)

- Deputy Whips (Legislative Assembly).
4. A fax line installed at Legislative Council Members' home offices continue to be reimbursed at the rate of 100 per cent.
  5. Call charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent where Members do not have a broadband service connected, subject to the line being used for Parliamentary duties.
  6. Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link and Telecard calls.
  7. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

#### Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services and make arrangements for payment direct by the Parliament or obtain reimbursement by providing substantiation in accordance with the requirements of the Parliament's administration.

#### Printing, Stationery and Office Supplies

1. Members may only use the printing, stationery and office supplies entitlement for Parliamentary duties.
2. The entitlement may be used to purchase printing, stationery and office supplies from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.

3. A Member may not use their printing, stationery and office supplies allowances to procure goods or services to be used for direct electioneering purposes or political campaigning.
  
4. The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:
  - The software will not be supported by the Parliament's I.T. Section.
  - The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.
  - The software is not to be used for political campaigning or electioneering purposes.

### **3. Electorate Mailout Account**

Each Member of the Legislative Assembly will be provided with an amount as specified in the attached Schedule for the following specific purposes:

- A) For preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount based on the cost of issuing two newsletters/letters per enrolled voter per annum. Members may issue additional newsletters/letters subject to available funds in their Electorate Mail-Out Account and the Legislative Assembly's administrative guidelines.
- B) Upon the gazettal of new electoral districts following an electoral redistribution (undertaken pursuant to s 27(1)(c) of the *Constitution Act 1902*), Members may use their Electorate Mailout Account to communicate with prospective constituents from neighbouring electorates who at the time of the next election following the gazettal of the new electoral districts will become constituents of the Member's electorate.

#### **Conditions**

- 1. The Electorate Mailout Account shall be established and maintained by the Clerk of the Legislative Assembly. Members should be advised by the Clerk each month as to the balance of their Account.
- 2. Members are to fund the cost of preparing, printing and distributing letters/Newsletters to each constituent in his/her electorate and for no other purpose.
- 3. All procurement by Members will be in accordance with the Parliament's purchasing policies.
- 4. No supplementation to the allocation will be considered. Any additional costs are to be met from the Member's Logistic Support Allocation.

5. Unused funds are to be returned to the Consolidated Fund at the end of each financial year.
6. All accounts must be submitted to the Legislature for payment within 60 days of receipt.
7. Printing and distribution of newsletters/letters from the Electorate MailOut Account is to be in accordance with the Parliament's administrative guidelines.
8. Communication with prospective constituents following gazettal of electoral districts will be limited only to those electors who will transfer from adjoining electorates to the new electorate. Each Member is to receive the details of the prospective constituents from the State Electoral Office
9. Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.

#### **4. Electorate Charter Transport for Members of the Legislative Assembly**

##### **Purpose and operation of the provision**

Members of the largest electorates (Electoral Groups 5-8) shall be provided with an allowance from which is met charter transport costs incurred within their electorates. For the purposes of this allowance "charter transport" means charter transport used with and for the service of the Member's electorate and includes charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

##### **Entitlement**

Members of the Legislative Assembly in the following Electorate Groups shall be entitled to Charter Transport Allowance up to the maximum amount shown below:

<u>Electorates</u>	<u>Entitlement</u>
Group 5	\$6,980
Group 6	\$11,400
Group 7	\$21,080

##### **Conditions**

The following conditions shall apply in respect of Charter Transport Allowance:

1. This Allowance shall only be used in connection with Parliamentary duties within the Member's electorate and shall not be used during election campaigns or for other electioneering or party political activities.
2. Only the cost of the Member's approved relative or Member of staff accompanying the Member may be met from this Allowance.
3. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.

4. Members are to meet the cost of the air charter and seek reimbursement from the Financial Controller with appropriate certification as to the purpose of the charter.
5. The charter transport shall only be used within and for the service of the Member's electorate. Where the closest source of available charter transport to the Member's electorate, electorate office or principal place of residence is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.
6. Members may use their Charter Transport Allowance to fly to an airfield located outside their electorate in circumstances where there is no suitable airfield located in the part of the electorate being visited by the Member. In these circumstances the Member would fly to the relevant airfield outside his/her electorate and then drive back to the electorate to conduct electorate business.
7. Members may also use the Charter Transport Allowance to attend regional or other meetings within an adjoining electorate relating to matters affecting their electorate. Members should first seek approval to use this Allowance in such a manner from the Presiding Officers. Members should be able to satisfy the Presiding Officers that the purpose of the journey relates to electorate business.
8. These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.

## 5. Travelling Allowances for Recognised Office Holders

**Table 2 – Indicative Upper Limits for Travel Expenditure**

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
Group 1	\$404.45 (Melbourne)	\$355.45 (Adelaide, Brisbane, Canberra, Darwin, Hobart, Perth)	\$319.45	Actual reasonable meal expenses
Group 2	\$297.65 (Brisbane, Perth, Melbourne)	\$273.65 (Adelaide, Canberra, Darwin, Hobart)	\$200.10	Actual reasonable meal expenses

Recognised Office Holders are classified into one of the following two groups.

### Group 1

Premier,

Deputy Premier,

Senior and Other Ministers,

President of the Legislative Council and Speaker of the Legislative Assembly,

Chairman of Committees (Legislative Assembly and Legislative Council),

Chairman of Select, Joint Standing, Standing and Public Accounts Committees,

Leader of the Opposition in the Legislative Assembly and Legislative Council,

Deputy Leader of the Opposition in the Legislative Assembly,

Deputy Speaker in the Legislative Assembly.

### Group 2

Deputy Leader of the Opposition in the Legislative Council,

Deputy Leader in the Legislative Council (other than the Leader or Deputy Leader of the Opposition) of a recognised political party not fewer than 9 members of which are members of the Legislative Council and of which no member is a Minister,

Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly,

Government and Opposition Whips,

**Deputy Government and Deputy Opposition Whips,**

**Parliamentary Secretary,**

**Whip in the Legislative Assembly of a recognised political party, not fewer than 10 members of whom are members of the Legislative Assembly,**

**Deputy Whip in the Legislative Assembly of a recognised political party, not fewer than 40 members of which are members of the Legislative Assembly,**

**Members of Select, Joint Standing, Standing and Public Accounts Committees.**

**The following conditions shall apply in respect of this allowance:**

- 1. Recognised Office Holders are to be reimbursed travelling expenses when travel is undertaken in association with their role as a Recognised Office Holder only. These allowances will not apply when a Member travels on Parliamentary business in their own capacity.**
- 2. Recognised Office Holders are eligible to claim reasonable actual travelling expenses for overnight absences from Sydney or their electorate/principal home residence. Where no overnight absence is involved Recognised Office Holders may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.**
- 3. The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Recognised Office Holder concerned.**
- 4. A Recognised Office Holder whose approved relative accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation exceeding the allowance to which he or she is entitled, shall be entitled to be reimbursed the additional expenses associated with the approved relative.**
- 5. Those Recognised Office Holders for whom non-Parliamentary funded budgets are provided are to meet travel allowance costs from those budgets and not from the Parliament.**

## **6. Equipment, Services and Facilities**

Members of the Legislative Assembly and the Legislative Council shall be provided by the Parliament with the equipment, services and facilities necessary to perform their Parliamentary duties as follows:

1. All Members shall receive at Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
2. Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling and the Member for Barwon is to be provided with an additional electorate office.
3. Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.
4. Each Member shall receive portable equipment to supplement the provision of equipment as referred to in clauses 1, 2 and 3 above, except where such equipment is already provided by the Executive Government. This portable equipment shall include, but is not limited to, a mobile telephone and a notebook computer.
5. Each Member of the Legislative Council shall have a separate facsimile line installed in their home. A separate data line shall also be installed to provide access to the Parliament's secure computer network unless Members elect to connect to a broadband service.
6. The Presiding Officers are to provide administrative support to each Member in accordance with the following:

- i. Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.
- ii. Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.
- iii. Each Member of the Legislative Assembly, not elected as an Independent, shall be provided with a budget specific for the recruitment of temporary staff. The budget is to provide for an additional staff member to work in the electorate office or at Parliament House. The budget is to be the equivalent of the salary of an electorate officer grade 2 for a period of 61 days per annum.
- iv. Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence.
- v. Each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member shall be entitled to two staff members.
- vi. Ministers shall receive a reasonable allocation of staff members.
- vii. The Whip of each recognised political party of not less than 10 members to each be provided with one member of staff.
- viii. This provision specifies the minimum staffing required in electorate offices. Nothing in this Determination removes from the employer of staff the obligations arising under the *Occupational Health and Safety Act 2000*.

Dated this 30 day of August 2007

**The Honourable Justice R P Boland**

**THE PARLIAMENTARY REMUNERATION TRIBUNAL**

**ELECTORAL GROUPS****SCHEDULE 1**

<b>Group 1 Electorates</b>		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vauchuse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
<b>Group 2 Electorates</b>		
1. Blue Mountains	8. Lake Macquarie	14. Wallsend
2. Charlestown	9. Newcastle	15. Wollondilly
3. Gosford	10. Shellharbour	16. Wollongong
4. Hawkesbury	11. Swansea	17. Wyong
5. Heathcote	12. Terrigal	
6. Keira	13. The Entrance	
7. Kiama		

**SCHEDULE 1**

<b>Group 3 Electorates</b>		
1. Ballina	5. Maitland	9. South Coast
2. Cessnock	6. Myall Lakes	10. Tweed
3. Coffs Harbour	7. Port Macquarie	
4. Goulburn	8. Port Stephens	
<b>Group 4 Electorates</b>		
1. Albury	4. Dubbo	7. Oxley
2. Bathurst	5. Lismore	8. Tamworth
3. Bega	6. Orange	9. Wagga Wagga
<b>Group 5 Electorates</b>		
1. Burrinjuck		
2. Clarence		
3. Monaro		
4. Northern Tablelands		
<b>Group 6 Electorates</b>		
1. Murrumbidgee		
2. Upper Hunter		
<b>Group 7 Electorates</b>		
1. Barwon		
2. Murray Darling		

**SYDNEY ALLOWANCE GROUPINGS****SCHEDULE 2**

<b>Category 1</b>		
<b>1. Blue Mountains</b>	<b>9. Newcastle</b>	<b>16. Wollongong</b>
<b>2. Charlestown</b>	<b>10. Shellharbour</b>	<b>17. Wyong</b>
<b>3. Gosford</b>	<b>11. Swansea</b>	
<b>4. Hawkesbury</b>	<b>12. Terrigal</b>	
<b>5. Heathcote</b>	<b>13. The Entrance</b>	
<b>6. Keira</b>	<b>14. Wallsend</b>	
<b>7. Kiama</b>	<b>15. Wollondilly</b>	
<b>8. Lake Macquarie</b>		

<b>Category 2</b>		
<b>1. Albury</b>	<b>12. Lismore</b>	<b>21. Port Macquarie</b>
<b>2. Ballina</b>	<b>13. Maitland</b>	<b>22. Port Stephens</b>
<b>3. Barwon</b>	<b>14. Monaro</b>	<b>23. South Coast</b>
<b>4. Bathurst</b>	<b>15. Murray-Darling</b>	<b>24. Tamworth</b>
<b>5. Burrinjuck</b>	<b>16. Murrumbidgee</b>	<b>25. Tweed</b>
<b>6. Bega</b>	<b>17. Myall Lakes</b>	<b>26. Upper Hunter</b>
<b>7. Cessnock</b>	<b>18. Northern Tablelands</b>	<b>27. Wagga Wagga</b>
<b>8. Clarence</b>	<b>19. Orange</b>	
<b>9. Coffs Harbour</b>	<b>20. Oxley</b>	
<b>10. Dubbo</b>		
<b>11. Goulburn</b>		

**LEGISLATIVE COUNCIL ZONES****SCHEDULE 2A**

<b>Zone 1 Electorates</b>		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vauchuse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
<b>Zone 2 Electorates</b>		
1. Blue Mountains	8. Lake Macquarie	14. Wallsend
2. Charlestown	9. Newcastle	15. Wollondilly
3. Gosford	10. Shellharbour	16. Wollongong
4. Hawkesbury	11. Swansea	17. Wyong
5. Heathcote	12. Terrigal	
6. Keira	13. The Entrance	
7. Kiama		

**LEGISLATIVE COUNCIL ZONES****SCHEDULE 2A**

<b>Zone 3 Electorates</b>		
<b>1. Albury</b>	<b>11. Goulburn</b>	<b>21. Port Macquarie</b>
<b>2. Ballina</b>	<b>12. Lismore</b>	<b>22. Port Stephens</b>
<b>3. Barwon</b>	<b>13. Maitland</b>	<b>23. South Coast</b>
<b>4. Bathurst</b>	<b>14. Monaro</b>	<b>24. Tamworth</b>
<b>5. Bega</b>	<b>15. Murrumbidgee</b>	<b>25. Tweed</b>
<b>6. Berrinjuck</b>	<b>16. Murray-Darling</b>	<b>26. Upper Hunter</b>
<b>7. Cessnock</b>	<b>17. Myall Lakes</b>	<b>27. Wagga Wagga</b>
<b>8. Clarence</b>	<b>18. Northern Tablelands</b>	
<b>9. Coffs Harbour</b>	<b>19. Orange</b>	
<b>10. Dubbo</b>	<b>20. Oxley</b>	

**RECOGNISED OFFICE HOLDER AND  
OTHER MEMBER ENTITLEMENTS**

**SCHEDULE 3**

Recognised Office Holder	Transport	Communication (electronic)	Communication ( non- electronic)	Printing & Stationery
Presiding Officer	30%		55%(A) 175%(C)	40%
Minister				40%
Deputy Speaker, Chair of Committees				40%
Leader of the Opposition	20%(A)		140%(A) 175%(C)	40%
Deputy Leader of the Opposition	10%		15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			40%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Independent Members				20%

Recognised Office Holders and Members referred to in schedule 3 receive additional entitlements for only one office; that office being the office which attracts the greater level of entitlement. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

Where entitlements formerly provided for the Recognised Office Holder's approved relative these have been included in the allocation.

Where an entitlement is followed by (A) or (C) it applied only to the Office Holder in either the Assembly or the Council.

**SCHEDULE 4**  
**ELECTORATE MAILOUT ACCOUNT**

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at 29 April 2007 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
1. Albury	48,988	\$63,684
2. Auburn	47,765	\$62,095
3. Ballina	47,246	\$61,420
4. Balmain	49,240	\$64,012
5. Bankstown	47,409	\$61,632
6. Barwon	48,049	\$62,464
7. Bathurst	48,850	\$63,505
8. Baulkham Hills	49,207	\$63,969
9. Bega	48,977	\$63,670
10. Blacktown	48,087	\$62,513
11. Blue Mountains	49,007	\$63,709
12. Burrinjuck	48,158	\$62,605
13. Cabramatta	48,611	\$63,194
14. Camden	48,535	\$63,096
15. Campbelltown	48,169	\$62,620
16. Canterbury	48,581	\$63,155
17. Castle Hill	47,185	\$61,341
18. Cessnock	48,960	\$63,648
19. Charlestown	48,175	\$62,628
20. Clarence	48,074	\$62,496
21. Coffs Harbour	48,330	\$62,829
22. Coogee	48,774	\$63,406
23. Cronulla	48,069	\$62,490
24. Davidson	48,019	\$62,425
25. Drummoyne	47,966	\$62,356
26. Dubbo	49,272	\$64,054
27. East Hills	47,038	\$61,149
28. Epping	48,245	\$62,719
29. Fairfield	48,807	\$63,449
30. Gosford	49,544	\$64,407
31. Goulburn	48,449	\$62,984
32. Granville	48,889	\$63,556
33. Hawkesbury	47,253	\$61,429
34. Heathcote	48,368	\$62,878
35. Heffron	48,675	\$63,278
36. Hornsby	49,250	\$64,025
37. Keira	47,831	\$62,180
38. Kiama	48,620	\$63,206
39. Kogarah	48,753	\$63,379
40. Ku-ring-gai	48,652	\$63,248
41. Lake Macquarie	48,202	\$62,663
42. Lakemba	49,174	\$63,926
43. Lane Cove	48,035	\$62,446

## ELECTORATE MAILOUT ACCOUNT

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 29 April 2007 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
44. Lismore	47,410	\$61,633
45. Liverpool	47,241	\$61,413
46. Londonderry	48,678	\$63,281
47. Macquarie Fields	48,371	\$62,882
48. Maitland	48,357	\$62,864
49. Manly	47,711	\$62,024
50. Maroubra	49,154	\$63,900
51. Marrickville	49,139	\$63,881
52. Menai	48,152	\$62,598
53. Miranda	47,842	\$62,195
54. Monaro	46,979	\$61,073
55. Mount Druitt	47,041	\$61,153
56. Mulgoa	48,403	\$62,924
57. Murray - Darling	47,483	\$61,728
58. Murrumbidgee	49,117	\$63,852
59. Myall Lakes	49,063	\$63,782
60. Newcastle	48,120	\$62,556
61. North Shore	48,914	\$63,588
62. Northern Tablelands	48,890	\$63,557
63. Oatley	48,425	\$62,953
64. Orange	49,199	\$63,959
65. Oxley	47,116	\$61,251
66. Parramatta	48,483	\$63,028
67. Penrith	48,442	\$62,975
68. Pittwater	48,123	\$62,560
69. Port Macquarie	47,545	\$61,809
70. Port Stephens	48,371	\$62,882
71. Riverstone	48,216	\$62,681
72. Rockdale	48,397	\$62,916
73. Ryde	48,379	\$62,893
74. Shellharbour	48,360	\$62,868
75. Smithfield	48,407	\$62,929
76. South Coast	48,874	\$63,536
77. Strathfield	47,772	\$62,104
78. Swansea	49,247	\$64,021
79. Sydney	48,999	\$63,699
80. Tamworth	48,457	\$62,994
81. Terrigal	48,326	\$62,824
82. The Entrance	47,407	\$61,629
83. Toongabbie	49,147	\$63,891
84. Tweed	47,416	\$61,641
85. Upper Hunter	48,369	\$62,880
86. Vauchuse	49,054	\$63,770
87. Wagga Wagga	48,460	\$62,998
88. Wakehurst	49,071	\$63,792

**ELECTORATE MAILOUT ACCOUNT**

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at 29 April 2007 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
89. Wallsend	47,350	\$61,555
90. Willoughby	48,508	\$63,060
91. Wollondilly	47,409	\$61,632
92. Wollongong	49,202	\$63,963
93. Wyong	47,934	\$62,314

**Advice of the Secretary of Treasury Pursuant to Section 12A of the  
Parliamentary Remuneration Act, 1989**

The following comments on the Parliamentary Remuneration Tribunal's 2007 annual determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

**Financial Implications**

The 2007 annual determination is fundamentally consistent with the previous determination.

The table below shows the variation in entitlements over the 2006 determination.

For the purpose of calculating the costs, the estimates are based on the 2007 composition of the Legislative Assembly and the Council membership. Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined. The Sydney Allowance is calculated on the annual amount allocated to Members.

ENTITLEMENT	2006 DET.	2007 DET.	CHANGE
Electoral Allowance	\$ 5,843,130	\$ 5,965,800	\$ 122,670 +2.1%
Sydney Allowance <sup>(1)</sup>	\$ 1,848,970	\$ 1,806,500	\$ 40,470 -2.5%
Logistic Support Allocation	\$ 3,832,955	\$ 3,913,485	\$ 80,530 +2.1%
Electorate Mail-out Account <sup>(2)</sup>	\$ 5,553,735	\$ 5,844,823	\$ 291,088 +5.2%
Committee Allowance <sup>(3)</sup>	\$ 18,287	\$ 19,531	\$ 1,244 +6.8%
Electorate Charter Transport Allowance - LA Members	\$ 97,180	\$ 97,180	NIL
Travelling Allowance for Recognised Office Holders	Not Estimated	Not Estimated	Increased <sup>(4)</sup>
<b>TOTAL MINIMUM EXPENDITURE</b>	<b>\$16,992,257</b>	<b>\$17,447,319</b>	<b>\$ 536,002 +2.7%</b>

- (1) While the PRT proposes to increase this allowance by 2.1%, the overall impact of -2.5% is the result of electorates regrouping.
- (2) Based on an increase in electors as provided by the NSW Electoral Commission.
- (3) Includes members of Public Accounts Committee only.
- (4) Adjusted in line with movements in public sector rates which vary depending on travel destination.

Member entitlements have increased by \$536,002 over the 2006 determination, which represents a rise of 2.7 percent.

The increase in Electoral Allowance, Sydney Allowance and Logistic Support Allocation is lower than the Sydney CPI of 2.7% for year 2006-07 and forecast of 2.6% for 2007-08. The 6.8% increase granted for the Committee Allowance reflects Members' current salaries.

The rate for Electorate Mailout Account (EMA) and the Charter Transport Allowance have not been increased, however, in respect of the EMA, there is an overall increase of 5.2 percent as a result of an increase in electors. The increase to the Travel Allowance to Recognised Office Holders may drive up this expenditure slightly.

### **Second Barwon Electorate Office**

The Tribunal is proposing that a second electorate office be provided to the Member for Barwon. This is on the basis that the Barwon electorate is comparable in size to the Murray/Darling electorate, which has two electorate offices. The estimated costs of this proposal are \$150,000 for fit-out and \$40,000 per annum for rent.

**The increase in the above entitlements should be fully met from escalation provided in the 2007-08 Budget for the Legislature.**

### **Accountability and Control**

Additional guidelines have been set by the Parliamentary Remuneration Tribunal to ensure greater accountability and control over the use of entitlements by Members.

John Pierce  
Secretary  
29 August 2007

